

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 3:06-CR-196
	:	
vs.	:	
	:	
MICHAEL E. PEPPEL,	:	<u>THE UNITED STATES'</u>
	:	<u>SECOND MOTION FOR</u>
	:	<u>A NEW SCHEDULING</u>
Defendant.	:	<u>ORDER AND TRIAL DATE</u>
	:	<u>AND DECLARATION OF</u>
	:	<u>COMPLEX CASE STATUS</u>

The United States hereby respectfully moves this Honorable Court for a scheduling order to establish a new trial date, a date for discovery cut-off and a deadline for filing all pre-trial motions. This motion is made pursuant to the provisions of the Sixth Amendment, the Speedy Trial Act of 1974, 18 U.S.C. §§ 3161-3174, and Rule 50 of the Federal Rule of Criminal Procedure 50. The United States additionally seeks an “ends of justice” findings pursuant to 18 U.S.C. § 3161(h)(8), and a Court declaration of “complex case” status pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(i), (ii), (iv).

On June 10, 2008 the United States most recently filed a motion seeking a scheduling order following the Court’s open-ended continuance of the May 20, 2008 *Jamieson* hearing. An open-ended continuance is not deemed appropriate under the Speedy Trial Act. See Zedner v. United States, 547 U.S. 489, 507 (2006).

The purpose of the Speedy Trial Act is not only to protect a defendant’s constitutional right to a speedy trial, but also to serve the public interest in bringing prompt criminal proceedings. Whenever the government-for whatever reason-fall short of meeting the Act’s requirements, the administration of justice is adversely effected.

See United States v. Moss, 217 F.3d 426, 432 (6th Cir. 2000)(internal quotation case citations and quotation marks omitted); also quoted in United States v. Graham, et al, Case No. 1:05-CR-45, (Order, Doc. 199, at 16) (S.D. Ohio filed May 16, 2008) (Chief Judge S. Beckwith).

WHEREFORE, the United States respectfully seeks the scheduling of an immediate telephone conference to establish a scheduling order in this case; an “ends of justice” findings pursuant to 18 U.S.C. § 3161(h)(8); and a Court declaration of “complex case” status pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(i), (ii), (iv).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that all counsel of record were electronically served a copy of this motion this 3rd day of July, 2008.

s/Dwight K. Keller
DWIGHT K. KELLER (0074533)
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